



PATENT  
Customer No. 22,852  
Attorney Docket No. 03806-0505

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Marie-Francoise ROSIER-MONTUS <i>et al.</i>	)	
	)	
Application No.: 09/846,456	)	Group Art Unit: 1636
	)	
Filed: May 2, 2001	)	Examiner: Gerald G. Leffers, Jr.
	)	
For: REGULATORY NUCLEIC ACID FOR	)	
THE ABC1 GENE, MOLECULES	)	
MODIFYING ITS ACTIVITY AND	)	
THERAPEUTIC USES	)	

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed with a Request for Continued Examination in the above-referenced application.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form and returning a copy with the next Office Action.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

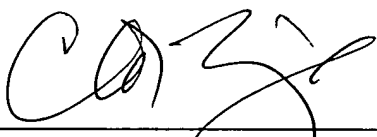
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

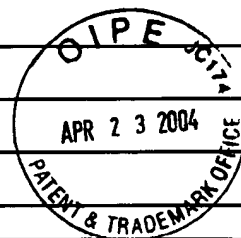
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 23, 2004

By:   
Charles D. Niebylski  
Reg. No. 46,116

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	03806.0505	Serial No.	09/846,456
Applicant	Marie ROSIER <i>et al.</i>	Customer No.	22,852
Filing Date	May 2, 2001	Group:	1636



## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	6,617,122 B1	Sept. 9, 2003	Hayden et al.	435	19	

## FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
WO 00/78971 A2	12/28/00	PCT			
WO 01/15676 A2	3/8/01	PCT			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Database EM_HTG 'Online! EBI, Hinxton, UK; AC/ID AC012230, 22 October 1999 (1999-10-22) Birren B et al.: "Homo sapiens clone RP11-1M10" XP002192928 See nucleotides 1100-1680, 3660-390-. 120320-120490 and 151160-151510 abstract

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce